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REHABILITATION OF DISUSED INDUSTRIAL SITES

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1. In Belgium, as in other countries where industrialization started a long time ago, there is a problem regarding the reclamation and rehabilitation of disused industrial sites. The situation is particularly serious in the Sambre-Meuse industrial belt where coal mines and metallurgical plants were the foundation of Belgium's economy and wealth but had to be abandoned on account of the regulations laid down by the European Community for Coal and Steel (CECA).
2. The most serious and important problem is the rehabilitation of disused coal-mining sites. It is also so far the only problem which has been tackled by a general policy on the national level. When this policy has entered the phase of practical realization and execution the authorities responsible for carrying out the project will then tackle the problem of rehabilitating all disused industrial sites in the country.
3. It is quite obvious that considerable financial resources are required in order to carry out all this rehabilitation work and that the re-commercialization of all reclaimed sites will never cover the expenditure. However, perhaps the calculations should not be made on an exclusively economic basis but rather with a view to the welfare of the entire community. We may observe, incidentally, that if the rehabilitation of disused sites offered any prospect of profitability private enterprise would already have undertaken it a long time ago.

I. REHABILITATION OF COAL-MINING SITES

A. The nature of the problem

4. As of 31 December 1970, there were still 352 slag heaps in Wallonie's coal basins, covering a total area of some 1925 hectares, with a total volume of 489 million cubic metres of slate. Eighty-one of these slag heaps and disused coal-mining sites are covered with small woods, whereas 107 of them have already been put to use, 26 of which for public works.

B. Means available for rehabilitating the sites

(a) The 1911 Act on the conservation of landscape beauty

5. This Act provides that:

(i) the owner and operator of the mine, colliery or quarry must restore the site to its initial aspect by planting trees on it, and by planting trees or shrubs in all excavations and on all mounds or embankments as and when they are formed;

(ii) the owner and operator may be compelled by law to do so, failing which the work will be carried out by the Ministry of Agriculture and Public Works at the expense of the operator or concessionnaire.

This law has not always been strictly applied, because only the slag heaps were considered subject to rehabilitation and on these it was difficult, if not impossible, to carry out planting operations.

6. Although this 1911 Act has not very often been applied, 81 slag heaps (i.e. about 23 per cent of the total) have actually been planted with trees. They cover an area of 391 hectares, with a total volume of 102 million cubic metres of slate. Some of these plantations were made on the initiative of certain coal-mining companies, others occurred spontaneously. In some cases they were not really planned but rather happened in a semi-natural way: the coal-mining company planted some trees on a neighbouring piece of ground (garden or park) intentionally choosing tree species with easily disseminating seeds, such as birch and locust trees.

(b) The 1962 Act on urbanization and land development

7. Local and sub-regional projects for the protection of the landscape compel coal-mining companies to comply with certain requirements concerning green belts, housing, industrial buildings, etc. Consequently, the land which will be reclaimed when slag heaps are removed will be put to use according to the local plans and in most cases converted into gardens and parks or plain woodland.

(c) Utilization of the slate for stowing and filling works

8. Unfortunately, the utilization of the slate is too often carried out in an irrational way. Certain slag heaps which could easily be planted with trees or shrubs are broken up and for some time the slag is removed for some purpose or other, and then suddenly the work is stopped and the heap is left in an unsightly state. Of the 352 existing slag heaps, 107 have been partly cut open, which is about 30 per cent of the total number. Only a small number of them, 38 or 10 per cent have been completely levelled down. Their average volume was about 630.000 cubic metres.

II. WORK DONE SINCE 1967

9. The Royal Decrees No. 2 and No. 92 of 20 April and 11 November 1967 which were promulgated in execution of the Special Powers Act open up the road to rehabilitation. However, a lengthy and arduous procedure is required to carry out rehabilitation,

including consultation with the Ministry of Economic Affairs, consultation with the Committee of Burgomasters and Municipal Officers (60 days) and consultation with the Permanent Deputation (60 days); the future use is designated finally by the Minister of Public Works.

10. Although the mechanism imposed by the legislation may seem to be efficient in its principles, it is much less so in practice. According to the legislation, a site must be rehabilitated if it has been given a priority by a Royal Decree to be promulgated in execution of the abovementioned Decrees, and only after the consultations referred to above. This means that the intention is not to carry out the rehabilitation of all disused sites throughout the country, but to make a certain selection depending upon the urgency and the situation of the site in relation to housing or industrial requirements. The state of urgency may be declared when some tree-planted slag heaps are threatened with levelling down. When the site has been declared to have a priority for rehabilitation, the owner is compelled to present within three months a programme of works in compliance with the rehabilitation as laid down by the Decree which spells out the future utilization of the land which in turn will be effected through a local urbanization project to be elaborated immediately by the commune or municipality. After the programme has been presented, it must be approved and submitted for final endorsement by the Administration for Urbanization and Land Development.

11. If the programme has not been presented within the prescribed period of 3 months, the Government is authorized by the legislation to carry out the rehabilitation work by public tender. But first of all the commercial value of the property to be rehabilitated must be assessed by the Department of Land Registration. When the work has been completed the owner is invited to pay the cost or to sell his property so as to obtain the money required for effecting the payment, failing which the Government orders the compulsory sale of the reclaimed property.

12. If the proceeds of the compulsory sale do not reach an amount sufficient for covering the cost of rehabilitation and indemnifying the owner at least for the commercial value of his property, the Government must pay the difference to the owner. If the proceeds of the forced sale exceed the cost of the rehabilitation work and the commercial value of the property, the surplus is paid to the owner. It may therefore be said that when the rehabilitation work is carried out by the community, the latter derives no profit from it, whereas the owner of the property never loses money in the transaction.

13. When it has been decided to rehabilitate a site there is the inevitable problem of what to do with the slag which must be dumped elsewhere either on land belonging to the public authorities or on private land whose owners are willing to accept the slag. On the other hand, in order to carry out certain public works to which we have already referred, such as the building of roads and motorways, large quantities of slag can be used and for that purpose there has hitherto been complete freedom of choice whether to level down afforested slag heaps or bare ones, it being sufficient to pay a certain price per cubic metre to the owner and to let him benefit from the increased value of the reclaimed property. It was therefore necessary to combine the operations of rehabilitation, utilization of the slag by the public authorities, and recuperation of the increased value.

14. Such an orientation, although theoretically possible, was hardly practicable because as soon as a site is given a priority for rehabilitation it cannot be used for a period of three months, during which time the owner must present his programme. But the owner may say: "I am going to rehabilitate the site, but since it has been given a priority, allow me to sell the slag for the building of roads or other work in course of completion". That is why some other kind of procedure had to be studied in order to enable the community to recover the increased value of the rehabilitated property and obtain the co-operation of regional organizations for carrying out the rehabilitation work. The Minister of Public Works has invited the Administration of Roads and Waterways to inform him of its requirements of slag. The Department for the Rehabilitation of Coal-mining Sites makes a choice among the slag heaps which seem to be utilizable for the extraction of slag, depending on the cost and usefulness of carrying out the work in the locality concerned.

15. In order to recover the increased value, not only the slag must be sold but also the land on which the slag heap stood and if possible the entire coal-mining site. That is why the Road Fund has been invited to buy the slag heap sites. Public organizations have also been invited to buy the coal-mining sites with the help of the Government, the cost of rehabilitation being financed by the Road Fund. The financial aid is subject to giving an undertaking to carry out a land development policy. Two Departments have been created for carrying out different tasks:

- the Department for the Rehabilitation of Coal-Mining Sites; and
- the Permanent Consultative Committee for Coal-Mining Sites,

which has been set up by the Ministry of Regional Economy and the Ministry of Public Works.

16. It is this Committee which is responsible for co-ordinating the policy of land development, the various departments using the slag, and the organizations who assume the responsibility for developing their regional territory under the supervision of the Ministry of Regional Economy.

III. POLICY MEASURES

A. The work under way

17. As regards the work under way, the following policy principles have been adopted:

- buyers and contractors will no longer be allowed to choose the sites to be cleared and the cost of additional expenses will be calculated in relation to the local value of the rehabilitation;
- the contractor will be compelled to clean up the site completely;
- a land development policy will be followed;
- all necessary measures will be taken in order to prevent the coal-mining companies from selling certain parts of the site and thereby compelling the Government to rehabilitate only those parts of the site which require expensive outlay; the priority decree will block the site when a slag heap has been designated for use in public works.

B. Future policy

18. The future policy consists of the following measures:

- (a) priority decrees will have to be promulgated for (i) wooded slag heaps and (ii) slag heaps designated for urban or industrial uses which are particularly urgent;
- (b) the problem of demolishing and cleaning up the sites will have to be solved;
- (c) as regards those sites which are destined to be converted into green areas (gardens or parks), priority decrees will have to be promulgated, but certain problems will have to be solved as regards plantation, restoration, sale and recovery;

- (d) a realistic programme of land development will have to be set up in order that the outlays of the Government may be really beneficial to the community;
- (e) coal-mining companies will be invited to co-operate with the Ministry of Regional Economy and the Department for Land Development in connexion with rehabilitation and plantation;
- (f) the legislation will have to be modified and extended in order to be more efficient and facilitate the recuperation of the increased value of the property or its expropriation when the latter is necessary.

19. The land development policy which seems indispensable for carrying out rehabilitation is equally required in order to follow an active policy for the defence of the environment. To control the use of land is necessary in order to prevent its destruction and wastage and to carry out the restoration of the environment.

